

**Snow Becker Krauss P.C.**  
**Attorneys for Defendants**  
**605 Third Avenue**  
**25<sup>th</sup> Floor**  
**New York, NY 10158**  
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**Derek A. Wolman (DW 9720)**  
**Susan M. Smith (SS 8649)**

**ECF CASE:**

**Document #**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MERCHANT CASH & CAPITAL LLC,

07 CV 10345(SAS)(AJP)

Plaintiff,

-against-

**DEFENDANTS' INITIAL  
DISCLOSURES  
PURSUANT TO RULE 26(a)**

FRIED OKRA, INC., d/b/a/ THOROUGHBREDS  
RESTAURANT, THOROUGHBREDS  
RESTAURANT LP and TONY BENNET,

Defendants.

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TO: Nicholas Giuliano, Esq.  
Bennett, Giuliano, McDonnell & Perrone, LLP  
Attorneys for Plaintiff  
494 Eighth Avenue, 7<sup>th</sup> Floor  
New York NY 10001  
(T) (646) 328-0120

Pursuant to Rule 26(a) of the Federal Rules of Civil Procedure, Defendants,  
FRIED OKRA, INC., d/b/a/ THOROUGHBREDS RESTAURANT,  
THOROUGHBREDS RESTAURANT LP and TONY BENNET ("Defendants") make  
the following disclosures:

- (a) **The Name and, if Known, the address and telephone numbers of each individual likely to have discoverable information that the Defendants may use to support their claims or defenses, unless solely for impeachment.**

Tony Bennett  
9706 Kings Highway  
Myrtle Beach, SC 29572

Fried Okra, Inc., d/b/a/ Thoroughbreds  
Restaurant, Thoroughbreds  
Restaurant LP  
c/o Tony Bennett  
9706 Kings Highway  
Myrtle Beach, SC 29572

- (b) **A copy or description by category and location of all documents, data compilations and tangible things that are in Defendants' possession, custody or control and that the Defendants may use to support their claims or defenses, unless solely for impeachment:**

Electronic files comprising Defendants' account records accessible on Plaintiff's website.

Defendants' electronic general ledger and all records/documents concerning the agreements between the parties, including correspondence and emails.

- (c) **Computation of Defendants' damages**

Not applicable.

- (d) **The ability to copy and inspect the contents of any pertinent insurance agreement:**

Not applicable.

- (e) **Amendments:**

Defendants reserve the right to supplement or amend this automatic disclosure

prior to discovery as may be appropriate and necessary.

Dated: New York, New York  
February 11, 2008

**SNOW BECKER KRAUSS P.C.**

By: S/DEREK WOLMAN  
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FRIED OKRA, INC., d/b/a/  
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RESTAURANT, THOROUGHBREDS  
RESTAURANT LP and TONY BENNETT